

University at Buffalo School of Law

Digital Commons @ University at Buffalo School of Law

The Opinion Newspaper (all issues)

The Opinion

11-1-2004

The Opinion Volume 43 Issue 2 – November 1, 2004

The Opinion

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/the_opinion



Part of the [Higher Education Commons](#), and the [Legal History Commons](#)

Recommended Citation

The Opinion, "The Opinion Volume 43 Issue 2 – November 1, 2004" (2004). *The Opinion Newspaper (all issues)*. 443.

https://digitalcommons.law.buffalo.edu/the_opinion/443

This Newspaper is brought to you for free and open access by the The Opinion at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in The Opinion Newspaper (all issues) by an authorized administrator of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.



Desmond Competition: Kaeuper & Mervine edge out Hoque & Mann in tournament finale

By Jenny Mills, '06

Fall brings many things to Buffalo. Bad weather, pretty foliage, horrible football, and for law students, the annual Charles S. Desmond Moot Court Competition. The Desmond competition is the top oral advocacy competition open to second and third year law students. It gives students the chance to write an appellate brief and present oral argument on a case that is pending on the docket of the United States Supreme Court.

This year, the competition was based on *Johnson v. California*, 321 F.3d 791 (9th Cir. 2003), a case looking at the California Department of Correction's policy of segregating new prisoners by race for a period of up to 60 days. (New prisoners are assigned to a cellmate of the same race, but are able to mix with the general population during recreation time, meals, and entertainment time). The key issues in the case were: 1) Whether the policy employed by the CDC should be subject to strict scrutiny or the more relaxed standard enunciated in *Turner v. Safley*, 482 U.S. 78 (1987) (finding prison officials are offered a certain amount of deference when infringing on the constitutional rights of prisoners because of the unique environment of prisons), and 2) Whether the segregation policy violates the Equal Protection Clause.

Teams had two weeks in which to write an entire appellate brief on this weighty issue. They were then given a week and a half to prepare their oral arguments for the preliminary rounds which began on October 25th. This year, an astounding 28 teams competed in the competition. Buffalo Moot Court Board president **Allen Brenner**, '05, said that this year's competitors were as many as the last two years combined. With the generous help and support of the **Law School Alumni Association**, the Moot Court Board was able to lower

the cost of the problem packet from \$25 to nearly half that. This along with the prestige of the competition and the chance to be selected as a Board Member, significantly increased participation. This year the entire Moot Court Board was very impressed with this year's competitors.

Following three nights of preliminary rounds was a bar night at Tully's here in Amherst, in which quarterfinalists were announced and teams were able to let off a little steam. Teams were chosen by adding together judges' scores from the prelims and the score on the team's brief. Making the cut were: # 13 **Nancy Long & Dana Rappa**; # 14 **Tracey Stephen & Chris Turner**; # 19 **John Abeel & Sean McPhee**; # 23 **Keith Gross & Joshua Williams**; # 26 **Jason Lee & Amber Storr**; # 27 **Enam Hoque & Mike Mann**; # 28 **Geoffrey Kaeuper & Leah Mervine**; # 29 **Lauren Cutuly & James Traber**.

Teams were paired off and sent downtown to the Buffalo City Court to argue against one another in a sudden death "grudge match" for a spot in the semifinals. Making it to the semis were teams 14, 26, 27, and 28. These four amazing teams immediately battled one another for a trip to the finals. **Hoque & Mann** defeated **Stephen & Turner** while **Kaeuper & Mervine** defeated **Lee & Storr**.

On Friday, October 29th, finals were held in the Letro Courtroom on the first floor of the law school. **Geoffrey Kaeuper & Leah Mervine** represented the petitioner and **Enam Hoque & Mike Mann** the respondent, in front of a three judge panel consisting of U.S. Magistrate Judge **H. Kenneth Schroeder**, New York Supreme Court Justice **John Curran**, and attorney **Robert Conklin**. Both teams did an excellent job of presenting their arguments and fielding questions from the extremely "hot" bench. Many eliminated contestants, friends, family members, and board members came to cheer on the teams and in the end it came down to a narrow decision, with **Kaeuper and Mervine** edging out **Hoque and Mann** for the top prize in the Desmond Competition.

Following soon after was a banquet at the UB Center for Tomorrow in honor of all the competitors and all their hard work. Awards were given to all the quarterfinalists, semifinalists, finalists, and of course to the ultimate winners, **Geoffrey Kaeuper and Leah Mervine**. The two top teams also won scholarships from *Bar/Bri*. The top oralist was **Lauren Cutuly**, and the best brief went to the team of **Jason Lee & Amber Storr**.

Following the awards banquet a large group of competitors and board members adjourned to the Marriott to dance the night and competition away. After all the weeks of hard work that the competitors and board members put into the Desmond competition, they certainly deserved it.



Finalists from the 2004 Desmond Moot Court Competition in the Francis Letro Courtroom at the Law School. From left to right, Team 27, Mike Mann and Enam Hoque and Team 28 Geoffrey Kaeuper and Leah Mervine. Team 28 went on to win the competition.

Record Turnout for SBA Class Director Election

Amherst, NY—This fall not only did our country go to the polls to elect a new president, the Law School went to the polls to elect their new class directors.

In one of the most competitive elections in recent years, first years students turned out in record numbers to elect their six class directors that will represent their views to the entire Student Bar Association.

Despite being one of the closet races, when the dust cleared the winners were **Jason Joaquin Almonte**, **Adam Bushey**, **Arianna Gleckel**, **Trisha Kirsch**, **Sri Sekar** and **Jacia Smith**. Seventeen candidates were vying for seats on this year's Student Bar Association, the most in recent years which generated an unusual amount of interest for the election.

Second year students had a much different experience when heading to vote with only four candidates seeking the six open seats. This

left the remaining two positions up to write-in ballots on election day. With a strong showing from their fellow classmates, **Dave Archer**, **Ryan Micklus**, **Jessie Santiago** and **Leonardo Sette-Camara** were re-elected to the Student Bar Association and new comers **Ryan Crawford** and **John Gerken** filled out a strong set of second year representatives.

Like previous years, the least interest was shown in the 3L and LL.M. races where **John Rudy**, **Steve Trynosky** and **Lauren Tamparo** were re-elected and **Fatimat Balogun**, **Allen Blount** and **Jessica Ortiz** were elected to serve their final year at the Law School. **Alamdard Shah** was elected as the only LL.M. class director.

Meetings are every other Wednesday at 7:30pm. Visit www.ubsba.com for more info.

Purple Pencil's used to Remember UB Law Student Ryan Mullins

By Heather DeCastro, '05 and Logan Joseph, '05

Amherst, NY—The first Purple Pencil Day will be held Tuesday, November 9th at the Law School to honor the life and legacy of **Ryan J. Mullins**, who died suddenly last fall.

The gift of a pencil is just one example of Ryan's generous and loving nature. Therefore, the Purple Pencil in your law school mailbox is a way for all law students to show appreciation of those who get us through the difficult experiences in law school and life. So in honor of Ryan's birthday this November 9th, coordinators ask that you give your Purple Pencil to a special person who has gone the extra mile to help you through law school.

The idea for Purple Pencil Day came after one of Ryan's friends told a story at Ryan's memorial service. While waiting for classes to begin one day, Ryan was admiring a purple pencil he owned and mentioned how much he loved that pencil. Jokingly, his classmate said, "I love it too, and I want it" - never imagining that Ryan would give it to her.

Without a moment's hesitation, Ryan handed her the pencil and told her that he wanted her to have it. The pencil still remains in possession of Ryan's classmate and she cherishes what it stands for.

Ryan was an intelligent, witty and caring person who was known to his friends and classmates as someone who would go the extra mile to help anyone in need, without anything expected in return. His easy smile and calm demeanor helped many of his peers through their first year of law school. Ryan was very active planning social events at Alternative Brews and organizing pick up hockey games. He always tried to include everyone and understood the value of friendship.

Organizers hope to see Ryan's Purple Pencils throughout the Law School. When you see a Purple Pencil, remember Ryan's words from his personal statement to UB: "What is truly important in life is not getting straight A's or landing a six figure job. What is truly important is the way you treat people."

Prof. Ewing set for sabbatical, contributes to war on terror

By Caroline Brancatella, '07

Amherst, NY—Ever dream about taking a semester off to “pursue other interests?” Professors can do just that as part of the academic tradition known as the sabbatical in which instructors break from teaching, usually to conduct or publish research.

Professor **Charles Ewing**, a professor of law known to must students for classes related to criminal law, as well as an adjunct member of the University at Buffalo’s psychology department and a SUNY Distinguished Service Professor, will be taking advantage of sabbatical during the spring semester to complete two books. Originally scheduled to take a sabbatical last spring, Ewing deferred for a year since the school called on him to take an “Evidence” class. The author of five manuscripts related to issues of criminology, psychology and the law, he will be working on new titles “Minds on Trial,” an analysis of the twenty cases in forensic psychology, and “Psychological Autopsy,” a review of how psychological skills and principles can be used to determine how someone died.

Additionally, he may be consulting with the United States Department of Defense on an unnamed project. “I can’t really say too much about that one,” says Ewing cryptically. Although he will not reveal details, he says that the project is ongoing and that it will continue because “the war on terror isn’t going to stop.” Amused at his own lack of details he continues, “don’t worry, if all goes well it should become a matter of public knowledge.”

Both Ewing’s work during his upcoming sabbatical and in the 21 years he has been at UB Law School may be interesting to students as he has followed a fairly untraditional career trajectory. Holding a Ph.D. in forensic psychology from Cornell University in addition to a J.D. from Harvard, Ewing has acted as a trial lawyer sparingly and instead focuses on teaching and re-

search, which allows him to act as an expert witness in criminal trials. “I love the legal practice, but I’m not cut out for it. I don’t have the patience,” says Ewing. By keeping his involvement to expert testimony Ewing says he doesn’t have to spend hours waiting for judges and juries. “I prefer academia because I can control my time,” he explains.

During his first year at UB law Ewing had the heady experience of a third year acting as a law professor for the fall professor when he had only graduated from law school himself the previous spring. He came to UB, and has remained here for more than two decades because of “The interdisciplinary nature of the school ... [the Law School] is a great place to work. Everything I’ve ever done here has been supported,” he says. He admits there has been other offers, but sees no reason to leave.

As admissions standards increase, Ewing has noted that students are “more aggressive, more verbal,” in recent years, something he is pleased about. “The thing I like about this place is that there are plenty of students here who could have succeeded at a Harvard, Yale or Columbia, but they’re here because they don’t want to spend \$50,000 bucks a year.”

Another aspect of law that Ewing is studying this semester, and will surely continue through his sabbatical, is the experience of the first year law student since his daughter is now one at another school.

“It’s been interesting,” he comments. “I might be a little more empathetic to students these days since now I’m seeing it from their perspective. I see the issues students face and it really makes me think about what makes a good teacher – it makes me think about how I teach.”

THE OPINION’S BOOK REVIEW

DISTORTING THE LAW POLITICS, MEDIA, AND THE LITIGATION CRISIS

William Haltom and Michael McCann



Author visits Law School to discuss fast food litigation crisis

By Ann X. Zhu, '07

Amherst, NY—On October 25th, **Michael McCann**, author of a new book titled *Distorting the Law*, spoke at the Law School about fast food litigation recently in the news. McCann discussed how the media forms dramatic elements of tort litigation but often leaves out must of the legal issues.

While only 7% of those injured would bring an action in tort suit, the U.S. is seemingly experiencing an explosion of tort litigation. He contends that the media’s focus is not the quantity, but the quality of tort litigation and that media has shaped tort claims against large corporations, not as legitimate claims, but as scams created by greedy trial lawyers. The focus of his book is

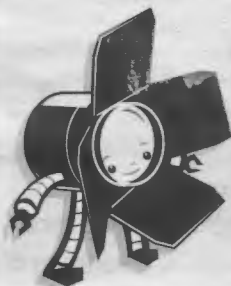
on a subject close to (clogging) my heart, the fast food industry and litigation.

McCann found that most consumers are unaware of the dangers and prolonged affects of fast food (e.g. heart and coronary problems) - yes, people are that dumb. Data such as nutritional information at fast food restaurants are often not visible to consumers and sometimes inaccurate. McCann argues we are all paying the costs of fast food through rising healthcare costs and is therefore a *public* rather than an individual issue.

In his research however, McCann found an overwhelming number of news articles from the past two years that focused on individual consumer responsibility while few that mentioned corporate responsibility and public cost in healthcare. The media frequently dramatize the elements to get readers attention by portraying the plaintiffs as unintelligent, lazy, greedy, overweight with attention to their low income and race, if minority. The inference is therefore drawn that plaintiff’s are responsible for their own injury.

The claims and arguments presented to the jury are rarely mentioned in those articles. What does this mean to tort litigation? The result of medias influence is a “distorted”, skeptical public view of tort litigation that has scarce interest in the legal principle at risk. “Litigation used to be a great way of conveyance”, said McCann. His research, however, found that tort litigation actually diverts and deters proposal for policy changes, such as healthcare reform and regulation that could reduce these types of litigations. —*Editor’s Note: To be fair, while McDonalds makes us fat, it still tastes good. Mmm....cheeseburger.*

WRITE FOR THE OPINION



Student Group Spotlight:

The Criminal Law Society by Mari McClure, '06

Among the many student organizations headquartered in small offices throughout O’Brian Hall quietly works an impressive dark horse. The Criminal Law Society (CLS), operating out of the Criminal Law Center, successfully hosts the only national moot court competition in the United States to focus on topics in substantive criminal law. The competition is known throughout the country as the Herbert J. Wechsler National Criminal Law Moot Court Competition. Named after the drafter of the Model Penal Code, the Wechsler Competition addresses issues in the constitutionality and interpretation of federal and state criminal statutes as well as general issues surrounding federal and state criminal law. A total of twenty-four law schools from around the country compete in the competition each year. Over forty different law schools have competed in the competition since its inception in 1999. Law schools from

all different tiers and climates have made the weekend trip to Buffalo. These schools include the University of Michigan, the University of Virginia, George Washington University, Georgetown University, Wake Forest University, the University of Florida, the University of Arkansas, and the University of Kansas.

The Criminal Law Society, comprised of an eight member executive board, is responsible for organizing and facilitating the entire competition. The competition has been so successful in the past that the CLS is forced to turn down many interested law schools each fall. If you ask the executive board, the hardest but perhaps most rewarding part of organizing the competition is soliciting judges. The only requirement to be a judge in the competition is possession of the degree of *juris doctor*. Another exciting opportunity for first year students is the chance to clerk for the competition. Clerking is a great resume builder as well as a chance to see an actual oral argument first hand. Each year this proves to be an

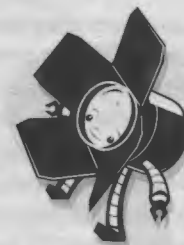
excellent networking opportunity for the students who are involved in the competition.

UB Law has many wonderful opportunities to gain moot court experience. Most, if not all, law students have heard the terms “Jessup” and “Desmond” and understand their respective meaning and significance. While a survey of current UB Law students arguably might reveal little knowledge about the Wechsler Competition, it is certain that its meaning and significance go beyond just that of valuable moot court experience. The students who are selected to participate have the opportunity to compete against peers from different educational settings and the CLS executive board has the opportunity to represent UB Law to schools and educators all over the country. It is clear that such representation has left, and will continue to leave, a positive impression on all those involved.

The Wechsler competition will be held this year on March 5, 2005 at the

Erie County Courthouse. Although the opportunity to compete in this year’s competition has passed, the CLS executive board encourages students to get involved in other ways and take advantage of the opportunity to uphold the University at Buffalo Law School’s track record of excellence.

Any interested students should contact the president of the Criminal Law Society, Jamie Halavais at halavais@hotmail.com.



Career Fair Hopes to Guide First Years

Students meeting with prospective employers about practice areas

By Ann X. Zhu, '07

Amherst, NY—Students crowded the second floor of O'Brian Hall October 24 to attend the Career Information Fair. The fair which is coordinated each year by Career Services is meant to help 1L's learn about various practice areas of law. Representatives from a number of fields greeted students thinking ahead about internships and offered their advice and discussed their experiences.

Karen Kaczmarek of **Harter, Secrest & Emery LLP**, which recently ranked the #1 place to work for a mid-size firm by the American Lawyer Magazine, recommends law students who are uncertain of their interests to take a variety of law courses to broaden their experience.

Brendan McCafferty of **Ryan & Company**, a tax firm, encouraged students interested in practicing tax law to apply for his firm's summer internship even if you do not have a background in accounting or math as you can learn what is needed through traditional legal study.

Jeanne-Noel Mahoney, director of the New York Civil Liberties Union (NYCLU), encouraged students who would like a chapter at the law school to contact **Prof. George Kan-nar**, who is on the Board of the NYCLU. The NYCLU has internships for both the summer and school year and is a great experience for those interested in constitutional issues and civil liberties.

While not every student is looking for a traditional career in law, there are excellent options like working for the federal government. **Thomas Ginter**, a special agent for the **Federal Bureau of Investigation (FBI)** said some of the major practice areas at the bureau are criminal, counter-terrorism, cyber-crime, and gathering of intelligence. The FBI has a paid honors internship program with a deadline of November 1 each year and is open to all law students with U.S. citizenship. Agent Ginter encouraged students who have Asian, Turkish and Arabic language background, computer skills and/or intellectual property background to apply for the prestigious program.

Whether or not you have a career plan in mind, students can attend the one-on-one mentoring event sponsored by **The Women's Bar Association of Western New York (WLWNY)**, on November 11 from 4-5:30pm in the Faculty Lounge. "The event is a great opportunity for students to network with attorneys one-on-one," says **Tammy Riddle** of WLWNY. Although WLWNY "seeks to advance women in the legal profession", they also encourage male students to attend and join.

Writer's Wanted...

Looking to express your opinion?

Looking to build your resume?

Join the Opinion!

2004 Jaeckle Award Goes to First Woman Ever Elected to New York Appellate Court

Buffalo, NY—**The Honorable Ann T. Mikoll**, the first woman elected to serve on a New York State appellate court and a lifelong advocate for the cultural and educational training of young people, received the 2004 Edwin F. Jaeckle Award from the University at Buffalo Law School and the UB Law Alumni Association at a luncheon on October 30 at the University Inn and Conference Center.

The award, for UB Law alumnus **Edwin F. Jaeckle**, Class of 1915, is the highest honor bestowed by the Law School and the Law Alumni Association. It is given annually to an individual who has distinguished herself or himself and has made significant contributions to the Law School and to the legal profession.

Prior Jaeckle Award winners include the **Hon. Charles S. Desmond**, **Frank G. Raichle, Jr.**, **M. Robert Koren**, **Manly Fleischmann**, **Hon. M. Dolores Denman** and former UB President **William R. Greiner**.

The convocation and Jaeckle Award luncheon were among more than 50 inaugural events being held in October in conjunction with the investiture of **John B. Simpson** as UB's 14th president.

Dean Olsen praised Mikoll, noting that "throughout her illustrious career, Ann Mikoll has brought honor to the Law School and to the legal profession."



Hon. Ann T. Mikoll, '54

She has long served as a distinguished and respected jurist and has provided guidance to the school through her active and continuing membership on the Dean's Advisory Council. She is an exceptionally worthy recipient of the Jaeckle Award.

Prior to Mikoll's appointment as the first woman elected to a New York State appellate court, she had served as assistant corporation counsel for the City of Buffalo, for 14 years

as a Buffalo City Court judge and was elected to the state's Supreme Court in 1971 and re-elected in 1985. She retired in 1999 as a senior associate justice of the Appellate Division, 3rd Department.

Her entry into public life was preceded by a lifelong civic activity, with special concern for the cultural and educational training of young people. For 21 years, she planned, supervised and executed youth programs for fraternal cultural organizations, teaching literature, poetry, music, singing and dancing to their young members. She is a 1954 graduate of the Law School.

The event featured eight expert speakers on professional ethics in four practice areas including business transactions, matrimonial law, Surrogate Court Practice and litigation.

The program was sponsored by **Forge Consulting LLC**, **LandAmerica Commonwealth**, **Bar Association of Erie County**, **Exacta Legal Document Solutions** and **Webster Szanyi LLP**.



Law School Registration Dates

- 2L - Pick up registration materials November 10th (Pre-registration: Nov. 19-22)
- 3L - Pick up registration materials November 9th (Pre-registration: Nov. 12-15)
- LL.M. - Pick up registration materials November 5th (Pre-registration: Nov. 10-11)

OPINIONS & COMMENTARY

Wake up, Junior!

In the Library, the only good sleeping undergrad is a startled one...

By Justin Whittaker, '06

Alright, I am irked. Yes, I said it, irked. But how could a second year law student such as myself be in any way irked, you ask? I'll tell you.

First, let me describe the kind of irkedness about which I am talking. Perhaps you have seen *Network*, Sidney Lumet's 1976 work of satirical genius, starring the sultry Faye Dunaway, the grizzled William Holden, and Peter Finch, who is "as mad as hell and isn't going to take it any more."

Wait..., you haven't seen *Network*? You cinematically unsophisticated cretin, go see it this instant! But, I digress. Finch's character is just fed up with the nonsense, corporate meddling, and politics of television news the same way I am fed up with sleeping undergrads in the Law Library.

I don't know about you all, but I was not aware that my eleven grand a year entitled me to stepping over sleeping bags, pillows, and blankets in the afternoon when I need to hit the lib' to read an assignment or download a case or two. Now, I know algebra, Shakespeare's comedies, and physics 101 is rough stuff, but this is the library of a respected institution of legal learning. How can we ever expect UB Law to be on par with Stanford Law if we have twenty 18 year-old kids sleeping on the couches, floors, and desks of our beloved library? That's right; we

can't. I'm not talking about someone resting their eyes for five minutes. I am talking about kids in their jammies drooling on the desks for hours at a time when I am sifting through the finer points of the Establishment Clause. It just looks bad, is disheartening, and most importantly it is aggravating.

I have brought this dilemma up to various library authorities, and always



in a respectful manner. A typical response is - "well, it's a public library," and library staff aren't about to spend their time waking people up, because, you know, they have to spend their time opening and closing the paper trays of the printers - which incidentally are always backed up because the same little reprobates are printing out their Spanish homework.

The problem, as I see it, is how to take care of this problem effectively,

without disturbing others. We can all go to the library commandant and voice our opposition to the flop-house policy, OR we can do something much more subversive, and by definition, more fun. Here's what I've come up with thus far:

1. Little squirt guns - you know, like correcting a cat who's on the counter (I don't think this needs explanation).
2. Dropping your evidence or Con Law book mere inches from the slumbering slob's head - boy, that's a big noise!
3. A passive aggressive but firm tongue lashing to make junior self-conscious - I think all it would really take is: "you know this is the law library, right?" or, "you know there are sleeping lounges elsewhere on campus, don't you?"

Personally, I am of the opinion that the first two would be the most fun, but what do I know.

Whoops, I see that my rant is about to be "eighty-sixed" by the editors. Remember, together we can take back our institution of learning, power, and in between class flirting.

The only good sleeping undergrad is a startled sleeping undergrad.
— *Editor's Note: The Opinion does not endorse startling undergrads, but tell us if you cause it is funny.*

Career Spotlight: Dark Valley...Not so Dark After All

By Jason Joaquin Almonte, '07

Amherst, NY—I've been a 1L for two months now, but I'm not afraid to admit that I sometimes feel as lost as I did the first day I walked into O'Brian Hall. Sure, it's colder. Sure, I now know what a "tort" is, but still I'm not sure what I want to be when I grow up and I still haven't figured out what comes next.

Thanks to the efforts of the Career Services, I do feel a little better. CSO sends out plenty of information, but with the National Association for Law Placement's (NALP) restrictions on career services offered to 1Ls it's almost second nature to put the whole job search thing in the trunk with the spare tire. (CSO can only offer limited assistance to 1Ls until November 1. Employers and 1Ls aren't supposed to begin collaborating until December 1st. You can review the provisions at <http://www.nalp.org/pands/pands.htm>) There are still opportunities though and CSO's "True Life" series is just one of them.

I attended the True Life series focusing on Sole Practitioners on October 14th. I was hanging around the library, banging my head against the desk when I caught a

glimpse of a green flyer for the event and decided to check it out.

The session was empty so I grabbed a cookie and a seat in the front. After a brief introduction, the panelists jumped right into a discussion of their legal adventures. **Kendra Winkelstein**, a research and writing professor at the Law School discussed her own home-based practice in federal Indian law, commercial real estate litigation, and adoptive work. **Mindy Marranca** discussed how she developed her own practice in economic development work for small business and not-for-profits after a trek through public interest work. However, the most fascinating panelist was **Gina DePrima**, who in August went out on her own as a *guardian ad litem*, a law guardian for youth—an independent contractor with the Erie County Family Court.

All three panelists were Law School graduates and Gina graduated in 2003. Her youth, made her the easiest to connect with and she understood how I am feeling about now. In law school she worked with a small firm, and then as a judicial clerk. However, she knew that nei-

ther was right for her. Gina expressed the reservations that I think a lot of law students have about being a solo practitioner and was someone I could relate to.

Personally, it was a bright moment as she spoke, reassuring the audience that they did not need to know what they want to be right now, and that solo practice is an option for any attorney who is willing to find a way. Networking, networking and networking were the buzzwords for the night, but the biggest gain was the general message of hope that where there is a will there is a way.

The CSO's True Life series was a much needed experience and I will certainly be at the next session about in-house counsel work on November 4th (to be held in room 104 O'Brian Hall). I hope a lot more 1L's show up because I'm sure some of you are feeling as uncertain as I did and will learn a lot from the successful panelists. This is a great opportunity for all students to see some work options up close, despite the career services/NALP guidelines. Hope to see you there!

Jenny's Rant:

How I was disenfranchised...

By Jenny Mills, '06

Florida — The 2004 presidential race was extremely close. While states such as New York appeared to be decided, swing states, such as my home state of Florida, were still up in the air. Having lived in Palm Beach County during the last presidential election, I fully understand the value of a single vote. As a result of my experience living in the epicenter of the political hell that is/was south Florida 4 years ago, I was determined to vote this year and cast my ballot in that abysmal swamp of a state. Well, the best laid plans of mice and men. . .

Election Day morning I woke up and decided to call the Palm Beach County Supervisor of Elections' office. After 2 weeks of waiting, I had still not received my absentee ballot. After 10 minutes on hold, I got in touch with a worker named Dorothy. I explained my dilemma to Dorothy who more or less told me to get lost. She said that she had no record of my application for an absentee ballot. When pressed on the matter, she said their office was receiving tons of complaints from voters who were in the same boat; There was nothing they could do about it. Dorothy then joked with me that if I wanted to vote I should just fly down to Florida and go to my precinct. Hilarious. I asked to speak with her supervisor, Theresa Lepore, the brains behind the infamous butterfly ballot and was told she was unavailable.

My next step was to call the Florida Department of State's voter fraud number. They in turn referred me to the State Division of Elections. The man I spoke to in that office told me to just go to my precinct. Either he doesn't know a thing about geography or he just didn't care to listen to what I was telling him. He then decided to give me the number for Travis Lawson, who is the law enforcement official in charge of voter fraud investigations for the state. It took a few minutes for him to actually find the number, which one would assume would be right in front of him in big letters. I mean we're talking about Florida here. I tried the number and got a woman in his office who informed me he was out. Apparently he was the only person assigned to investigate voter fraud. I left him voicemail and have yet to hear back.

I next consulted with Professor George Kannar, to see if he had any ideas as to what I could do. He seemed a little shocked when I told him about my problem and said all he could think of was to file a complaint with the Democratic Party. I then tried a few national voter problem hotlines and ended up speaking with a lawyer from Washington D.C. who told me there was pretty much nothing I could do. The application I used to submit my request was an internet based form. After a person submits the request, there is no confirmation page or number given to users. Therefore, the lawyer said it would be virtually impossible to file a successful complaint because there is no physical evidence that a request was ever submitted.

As the day winded down, I more or less gave up. Sad to say, my experience with the last two presidential elections has left me with little faith in the electoral process. This year, fraud was still rampant, hundreds of thousands of eligible voters were disenfranchised, and as I write this two days later, even though Kerry has conceded, all the votes are still not counted. Nevertheless, I look forward to giving it another try four years from now. After all, the third time's a charm. *Editor's Opinion—Check on your absentee ballot BEFORE Election Day, not on it.*

The Docket



- Who: Criminal Law Society Bar Night
Info: Thursday, November 4, 9pm—12am (location TBA)
Scoop: With the Criminal Law Society, someone is bound to get arrested at this party...
- Who: Student Bar Association Meeting
When: Wednesday, Nov. 10, 7:30 PM; O'Brian Hall, Room 10
Scoop: Ah, more student groups begging for more money, sounds like fun!
- Who: Harvard Business School Student Debt Presentation/ Workshop
When: Wednesday, Nov. 10 at 3:30pm, O'Brian Hall
Scoop: This is important for all 3L students, Harvard *nerdos* will teach you how to refinance your student loans and save money!!
- Who: UB Distinguished Speakers Series presents Bob Woodward, Political Investigative Reporter and Author
When: Wednesday, Nov. 17 at 8pm, Alumni Arena
Scoop: You have to buy tickets to this thing, but it might be worth it, can you say Watergate?
- Who: Bar Night Sponsored by the Black Law Students Association (BLSA)
When: Friday, Nov. 12, 9pm, Location TBA
Scoop: BLSA has consistently thrown the best bar nights, this is one not to miss...
- Who: President's Council Meeting
When: Wednesday, Nov. 17 at 7:30pm, O'Brian Hall, Room 10
Scoop: Last Presidents Council meeting of the semester, club presidents be there or be square (or just lose SBA funding for your club).
- Who: Thanksgiving Holiday
When: Nov. 24-26
Scoop: I am already counting down while I write this...
- Who: Spring Registration is coming...
When: Depends on your year
Scoop: Talk to Records and Registrations during the 10 minutes a day they are open. They are out of the office from 12-2 every day EST.

THE OPINION

The Official Student Newspaper of UB Law School
November 2004—Volume 43, Issue #2

STAFF:

Co-Editors-in-Chief: John Rudy, '05; Mike Mann, '06
Staff Writers: Justin Whittaker, '06; Mari McClure, '06;
Patrick McNelis, '07; Jason Joaquin Almonte, '07;
Jenny Mills, '06; Ann X. Zhu, '07; Caroline Brancatella, '07.

The Opinion, 101 John Lord O'Brian Hall, Buffalo, NY 14260, (716) 645-6387, is published by law students for law students. The Opinion is the student newspaper of the University at Buffalo Law School. Any reproduction of materials herein is not allowed without the express consent of the Editor-in-Chief and piece writer

New submissions of articles, cartoons or advertisements are always welcome and may be submitted to the Opinion mailbox in the SBA office, or via email to the Editor-in-Chief at mdmann@buffalo.edu. The staff reserves the right to edit articles for length, grammar and spelling. The Opinion will also not print any libelous or anonymous material. Students, faculty and members of the community are all strongly encouraged to submit letters.